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UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA
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10 UNITED STATES OF AMERICA,
11 Plaintiff,
12 vs.
13 EVELYN CARRASCO,
14 Defendant.

2:15-cr-00280-RCJ-PAL

GOVERNMENT'S MOTION TO
WITHDRAW ITS PREVIOUS
MOTION FOR EMERGENCY STAY
OF RELEASE FROM DETENTION
AND TO VACATE HEARING

15 COMES NOW the United States of America, by and through DANIEL G. BOGDEN,
16 United States Attorney, and Kimberly M. Frayn, Assistant United States Attorney, and moves to
17 withdraw the Government's previous motion seeking an emergency stay of the California Rule
18 5 Magistrate's order releasing the Defendant into a 90 day inpatient drug treatment facility
19 without ordering a report date for her initial appearance and arraignment and plea in Nevada
20 (doc. no. 29) and further moving to vacate the June 29, 2016 hearing (doc. no. 31) for the
21 following reasons:

22 On or about May 16, 2016, the Government filed a Motion For Emergency Stay Of
23 Release From Detention And Appeal To District Court Pursuant To 18 U.S.C. § 3145(c) (doc.
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1 no. 29) seeking an emergency stay of the California Rule 5 Magistrate Court's order releasing
2 the Defendant into a 90 day in patient drug treatment facility without ordering a report date for
3 her initial appearance and arraignment and plea in Nevada, and further hereby appeals the order
4 releasing the Defendant, moving instead that the Defendant be detained and transported by the
5 United States Marshals to Nevada. On or about June 1, 2016, the Court scheduled a hearing on
6 the Government's motion (doc. no. 29) for June 29, 2016 at 1:00 pm. (Doc. No. 31). Due to a
7 change in circumstance beyond the Government's control, it hereby moves to withdraw its
8 previous motion and to vacate the June 29th hearing. Pretrial Services Officer Erin Oliver has
9 advised that Defendant Carrasco was released from custody as directed by the California
10 Magistrate Court on or about May 17, 2016, so that she could report to an inpatient treatment
11 facility after a bed had become available. However, Defendant Carrasco did not report but
12 instead fled and is presently in an absconder. Officer Oliver further advises that the California
13 Pretrial Services Office tasked with the Defendant's supervision has obtained a warrant for
14 Defendant Carrasco's arrest but her whereabouts remain unknown. Accordingly, these changed
15 circumstances render the Government's previous motion moot. In the interests of judicial
16 economy the Government therefore seeks to withdraw its previous motion (doc. no. 29) and
17 respectfully asks the Court to vacate the June 29th hearing date.

18 DATED this 13th day of June, 2016.

19 Respectfully submitted,

20 DANIEL G. BOGDEN
United States Attorney

21 /s/ Kimberly M. Frayn
KIMBERLY M. FRAYN
22 Assistant United States Attorney

1 **CERTIFICATE OF SERVICE**

2 I, Kimberly M. Frayn , certify that a copy of the GOVERNMENT'S MOTION TO
3 WITHDRAW ITS PREVIOUS MOTION FOR EMERGENCY STAY OF RELEASE FROM
4 DETENTION AND TO VACATE HEARING was served on this date by email,
5 Jennifer_Uyeda@fd.org, to AFD Jennifer Uyeda, counsel for the Defendant in Los Angeles,
6 California. A copy was served on this date on defense counsel for Defendant Melendez by way
7 of *Electronic Case Filing*.

8 DATED: June 13, 2016

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11 //s// Kimberly M. Frayn _____
12 KIMBERLY M. FRAYN
13 Assistant United States Attorney